

REMARKS

Claims 12-29 are pending. Support for the amendment to claim 12 can be found at page 13, lines 14-16 of the specification. Claim 27 replaces previous claim 18. Support for claims 28 and 29 can be found at page 13, lines 20-27 of the specification.

Claims 12 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zettler et al. (DE 3147308) and Nihongi et al. (DE 2364091) in view of Weiser et al. (EP 523485). Claims 13-17, 19, 24 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zettler et al. and Nihongi et al. in view of Weiser et al., and further in view of Berbner et al. (WO 97/01661). Applicants respectfully traverse these rejections. To establish a *prima facie* case of obviousness...there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." MPEP 2143. "The teaching or suggestion to make the claimed combination...must...be found in the prior art, not in applicants disclosure." Id.

Zettler et al. teaches that preferably fibers of unmodified melamine formaldehyde resins are employed in the production of insulating materials. Also, the example is performed with an unmodified melamine formaldehyde condensate. Zettler et al. provides no motivation for a person skilled in the art to use a modified melamine formaldehyde resin.

Nihongi et al. refers to flame-resistant fibers and a method for their production. Such fibers are selected from among a cured melamine aldehyde resin or an alkylether thereof, a cured aldehyde resin and a compound that can be cocondensed with this cured melamine aldehyde resin and/or a cured physical mixture of a melamine

aldehyde resin with a heat-curable or thermoplastic polymer (claim 1, column 1, lines 4-12). A great number of different melamines and aldehydes can be used to prepare the melamine aldehyde resins (see column 7, line 31 to column 8, line 14). Substituted melamines that correspond to component (b) according to the present invention are not disclosed. Nihongi et al. teaches that preferably unmodified melamine formaldehyde resins are employed (column 8, lines 15-16) that are modified by cocondensation with a further aldehyde or a substituted guanamine (column 8, lines 33-39) or that are modified by combination with a heat curable or thermoplastic polymer, preferably a polyvinyl alcohol (column 8, lines 40-53). In other words, Nihongi et al. provides no incentive to use a modified melamine formaldehyde resin as presently claimed in the production of insulating materials.

The object of Weiser et al. (EP 0 523 485) is to provide modified melamine formaldehyde condensation products with improved resistance to hydrolysis and reduced release of formaldehyde (page 2, lines 36-39). Weiser et al. does not suggest that mat-form insulating materials on the basis of such condensation products have a low thermal conductivity and high sound absorption. Therefore, a person skilled in the art would not have taken into consideration to use the melamine resin fibers disclosed in Weiser et al. for the production of a mat-form insulating material.

Berbner et al. (WO 97/01661, CA 2,222,206) describes fiber blends which contain melamine resin fibers and natural fibers. Such fibers are used form the production of wovens or nonwovens for producing protective suits against convective heat, radiant heat and splashes of liquid metal. Those wovens and nonwovens generally have a density that is much greater than the densities that are typical of

insulating materials for buildings. There is also no incentive in this document that apart from the protection against direct heat those fabrics have a low thermal conductivity and high sound absorption. Therefore, a person skilled in the art would not have taken into consideration to use melamine resin fibers disclosed in Berbner et al. for the production of a mat-form insulating material with low density.

In view of the above discussion, a person having ordinary skill in the art would not have combined Zettler et al. with Weiser et al. or Berbner et al. and would not have considered to use mat-form insulating materials of special modified melamine formaldehyde condensation products as disclosed in Weiser et al. or Berbner et al. for thermally or acoustically insulating a building.

Applicants bring particular attention to claim 26 which is directed to an insulating material comprising a mixture of i) melamine resin fibers, ii) polyalkylene terephthalate fibers and iii) polyacrylonitrile fibers. None of the cited references, alone or in combination, suggest using such a mixture.

Claims 12-26 stand rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Applicants respectfully traverse this rejection. “[A]n enablement rejection based on grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended.” MPEP 2164.08(c). The thickness and density are included in the amended claims. The examiner has not provided an explanation as to why other properties are critical for the invention to function as intended. Furthermore, the specification states at page 13, lines 20-21, that “[t]he insulating materials of the present invention are advantageously notable for good

BERBNER et al., Ser. No. 10/000,330

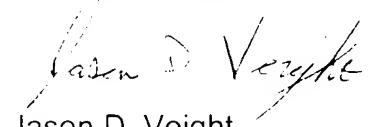
application properties" (emphasis added), not that such properties are absolutely critical for all embodiments of the invention.

A check for \$410 to cover the two-month extension fee is enclosed.

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Respectfully submitted,

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